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DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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October 20, 2011

### **Environmental Review Update Checklist Form For projects with Previously Approved Environmental Documents**

#### **FOR PURPOSES OF CONSIDERATION OF BRISA DEL MAR TM 5492**

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on the previously certified EIR:

An EIR for Bresa Del Mar (sic) TM 4793, P91-004, Log number 88-02-107 was certified by the Planning and Environmental Review Board on August 22, 1991. The certified EIR found significant effects to flooding, biological resources, visual quality (aesthetics), hydrogeology and cultural resources. These effects were determined to be mitigated or avoided to a level below significance through project design including: open space easements to protect cultural resources, biological resources and steep slopes; landscaping of the hillside to protect the visual quality of the area after grading; revegetation and a monitoring plan for biological resources which includes replanting of species impacted by the project; erosion control methods to limit flooding and erosion problems; and the inclusion of a five foot separation between the water table and the septic line to control the hydrogeology onsite.

2. Lead agency name and address:

County of San Diego, Department of Planning and Land Use  
5201 Ruffin Road, Suite B,  
San Diego, CA 92123-1666

- a. Contact : Diane Buell, Project Manager
- b. Phone number: (858) 694-3721

c. E-mail: [diane.buell@sdcounty.ca.gov](mailto:diane.buell@sdcounty.ca.gov)

3. Project applicant's name and address:

EWM Investments LLC, Mr. Stephen Grogan, 175 E. Reno Ave. #C-6, Las Vegas, NV 89119

4. Summary of the activities authorized by present permit/entitlement application(s):

The previous EIR was certified to allow the subdivision of 215.1 acres into 36 lots. Three of the lots would be community lots, one lot would be used for existing equestrian activities and one would be set aside for open space to protect a man made pond. The remaining 33 lots would be sold for custom-built single-family detached homes on lots ranging in size from 2.01 to 8.62 acres. The existing houses would be demolished. The grading associated with the project was restricted to the construction of three private streets which would generate approximately 60,000 cubic yards of cut and fill, and improvements to Camino Del Rey, which would generate 150,000 cubic yards of cut and fill. The project was found to be exempt from the "B" special area designator regulations for the I-15 Design Review Board on March 15, 1990. While the previous EIR analyzed the subdivision of 36 lots, the Tentative Map has since expired and entitlements are no longer valid.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES

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NO

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The proposed project requires a Tentative Map to subdivide approximately 213 acres into 24 lots (2 acre minimum) with 20 residential and four biological open space lots. In total, the project would include 126 acres of biological open space. The project site has historically been used as an equestrian facility with some agricultural uses. The property is developed with two existing single family residences, several utility buildings including a barn and a horse track. One of the single family residences will remain on the property (located at 7576 Camino Del Rey) while the other will be demolished (located at 7574 Camino de Rey).

The site contains two General Plan regional land use categories, Rural Land (RL) and Semi-Rural (SR). Designations on the property are RL-40 (1 Dwelling Unit (DU) per 40 acres gross), and SR-10 (1 DU per 4, 8, or 20 acres gross, depending on slope). The site is also subject to the "B" Special Area Designator for Design Review and the "F" Special Area Designator for Flood Plain Regulations. The project requires approval of a General Plan Amendment (GPA) and a Rezone to change the designation and zoning over the northern 92.5 acres. The GPA would change the land use designation from SR-10 to SR-4 and the Rezone would change the zoning from 4 acre minimum to 2 acre minimum lot size. The SR-10 requires

conformance with the General Plan's Conservation Subdivision Policy; the change to SR-4 would allow the project to proceed without a conservation subdivision. SR-10 and a conservation subdivision would require a design that "improves preservation of environmental resources in a balance with planned densities and community character subject to applicable Community Plans, the Zoning Ordinance, Subdivision Ordinance, Resource Protection Ordinance and Groundwater Ordinance." Without the change, the SR-10 designation would require preservation of 75% of the environmental resources onsite. The applicant is also requesting a waiver of the "B" Designator requirements from the Design Review Board and the County because the site is not visible from I-15.

The project would receive imported water from the Rainbow Municipal Water District and would rely on septic systems for wastewater service.

The primary access for the project would be provided by an existing private road connecting to Camino Del Rey. A bridge will connect the project entrance to the internal roadway system across Moosa Creek. Two secondary access roads are being analyzed at this time. One would connect to the west to Via Mariposa Sur Road (a private road) through Saratoga Estates and the other would connect in a northwesterly direction to Camino Del Rey just south of Saratoga Estates (refer to plot plan). The property is in the North County Fire Protection District and conditions will be required. Earthwork will consist of cut and fill of approximately 62,600 cubic yards of cut and approximately 104,000 cubic yards of fill. The project would be conditioned to construct improvements to Camino Del Rey. No phasing is proposed and the lots will be sold as individual custom home sites. Open space easements would be required to protect sensitive biological resources (e.g. wetlands, coastal sage scrub) and steep slopes in accordance with the Resource Protection Ordinance (RPO).

The previous project was similar in use and scope. However the number of residential lots has been decreased from 33 to 20, with a different internal road circulation and without maintaining the equestrian facilities. Additionally, new environmental codes and ordinances have required more open space, preservation of cultural resources and secondary access.

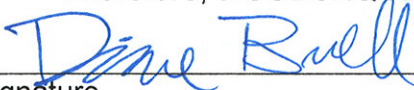
6. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

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|--|--|--|
| <input type="checkbox"/> NONE                                |  |  |
| <input checked="" type="checkbox"/> Aesthetics               | <input checked="" type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology & Soils                               |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Haz. Materials         | <input checked="" type="checkbox"/> Hydrology & Water Quality          |
| <input checked="" type="checkbox"/> Land Use & Planning      | <input checked="" type="checkbox"/> Mineral Resources                | <input checked="" type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population & Housing                | <input type="checkbox"/> Public Services                             | <input type="checkbox"/> Recreation                                    |
| <input checked="" type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities & Service Systems                 | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:**

On the basis of this analysis, the Department of Planning and Land Use has determined that:

- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted ND or previously certified EIR is adequate **CHOOSE EITHER A) or B): A)** without modification. **B)** upon completion of an ADDENDUM.
- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with a EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- ☒ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

  
Signature

  
Date

**Diane Buell**  
Printed Name

**Project Manager**  
Title

## INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
  - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.



CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

**The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.**

## **ENVIRONMENTAL REVIEW UPDATE CHECKLIST**

**I. AESTHETICS** – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES  
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NO  
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The project has changed since the previous EIR. The current project would reduce the number of residential lots from 33 to 20 and would relocate building pads and realign internal roadways. The previous EIR stated that the project was found not to be subject to the regulations for "B" Designator status by the I-15 Design Review Board on March 15, 1990. The applicant for the current project is also requesting a waiver of the "B" Designator requirements from the Design Review Board and the County.

The previous EIR found significant impacts to visual quality as a result of grading for the roadways and building pads. The EIR found the impacts to be less than significant through mitigation consisting of landscaping and revegetation of the hillsides, contour grading of the manufactured slopes to blend with natural landforms, and grading restrictions during the rainy season. An updated visual resources study that includes photosimulations is required to demonstrate that the new project provides appropriate design considerations and mitigation measures to ensure that it does not result in new or more severe visual impacts than the previously evaluated project. An analysis of visual impacts shall be included in the Subsequent EIR.

**II. AGRICULTURE AND FORESTRY RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial

importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

YES  
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NO  
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The previous EIR did not analyze agricultural resources or forestry resources. The project site has Farmlands of Local Importance and Prime Agricultural Soils. The LARA Model and Guidelines for Determining Significance were accepted by the County for review of impacts to Agricultural Resources on March 19, 2007. All proposed projects with a history of agricultural production onsite must be analyzed by the use of these Guidelines. County of San Diego staff will complete a LARA Model to analyze impacts on Farmlands and Soils along with indirect and cumulative impacts of the loss these resources. The results and analysis of the LARA model must be included in the Subsequent EIR. Forest lands are carbon sinks, or a "reservoir" that accumulates and stores carbon-containing chemical compounds for an indefinite period. Clearing forests causes carbon in vegetation biomass to be converted to CO<sub>2</sub> and emitted to the atmosphere. Maintaining and enhancing forest lands is one way to avoid carbon emissions and sequester carbon containing compounds which can play a role in managing climate change. The Subsequent EIR must analyze whether there is a significant impact to forestlands/green house gases as a result of the proposed project and whether there are any cumulative impacts based on other projects in the area.

**III. AIR QUALITY** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES  
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NO  
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The project proposes to subdivide approximately 213 acres into 20 residential lots and 4 open space lots. The project description indicates that the project would result in an excavation of approximately 62,600 cubic yards of cut and approximately 104,000 cubic yards of fill. While the previous project proposed about an equivalent amount of grading on site (60,000 cubic yards), no air quality assessment was done. Since 1991, new standards related to PM<sub>2.5</sub> and dust generated by grading in areas of pesticide contamination (if



present) have also been established. In addition, offsite improvements are expected to increase the grading substantially.

The County of San Diego approved Guidelines for Determining Significance and Report Format and Content Requirements for Air Quality on March 19, 2007. The guidelines indicate that if a project would result in emissions that violate any air quality standard or contribute substantially to an existing or projected air quality violation, the project would result in a significant impact to air quality. Based on the information provided, the project has the potential to result in emissions of respirable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>) that exceed 100 pounds per day and 55 pounds per day, respectively. Therefore, there are changes in the project and changes in circumstances under which the project is undertaken and/or "new information of substantial importance". The Subsequent EIR must analyze whether there is a significant impact to air quality as a result of the proposed project and whether there are any cumulative impacts based on other projects in the area.

**IV. BIOLOGICAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES  
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NO  
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There have been changes in the regulatory circumstances since the previous EIR was certified. Least Bell's Vireo and California gnatcatcher are now federally recognized as endangered and threatened species, respectively. In addition, there have also been significant changes to the County's Resource Protection Ordinance (RPO). The proposed project site contains RPO significant wetlands and sensitive lands that must be evaluated in accordance with current RPO regulations. The project must also comply with Natural Communities Conservation Planning (NCCP) Act and Habitat Loss Permit Ordinance which was adopted after the previous EIR was certified.

There has also been a change in the site's habitat composition and additional sensitive species have been identified on the property. The previous EIR indicated that there were 60.2 acres of coastal sage scrub (CSS) (impacts to 16.9 acres) onsite and the biological study did not identify the presence of California gnatcatcher. Based on the most recent biological survey (2008), the site currently supports 80.9 acres of CSS and three resident

California gnatcatcher pairs (impacts to 25.1 acres and 2 of the 3 gnatcatcher pairs). Spring Surveys for 2010 will be conducted and included in a revised biological resources report.

The previous EIR identified less than significant impacts with mitigation incorporated for effects to nonnative grasslands, freshwater marshlands, mature oak woodlands, and riparian habitat. The previous EIR identified the need for mitigation for indirect biological impacts caused by erosion which could impact the riparian environment, by noise from increased traffic and grading activities which could impact sensitive biological species (limiting construction during the breeding season of sensitive species), and by increased presence of humans and their pets onsite. It was also noted that construction staging must be conducted away from biologically sensitive areas to limit the impacts from noise. In addition, the open space easement language restricted clearing of native vegetation, split rail fencing to allow movement of large species through the open space easement and restricting development near the proposed open space lots. The previous EIR required that the freshwater marsh be stocked with fish that eat mosquitoes to help with vector control. However, in light of new listed species, new regulatory circumstances, and changes to the project setting, the project must be reevaluated in the Subsequent EIR.

**V. CULTURAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES  
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NO  
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The previous EIR identified that the project contains two potentially significant prehistoric archaeological sites. The RPO has changed since the previous EIR was certified. The RPO requires avoidance of significant prehistoric and historic resources. The previous EIR indicated that cultural resources were tested and found to be significant. The impacts were reduced to less than significant with mitigation incorporated through the creation of a dedicated open space easement over the two archaeological sites and temporary fencing around the easement during grading. The previous EIR did not analyze impacts to buried cultural deposits, the accidental discovery of human remains, offsite impacts from road improvements, or indirect impacts as a result of increased human presence near the cultural resources. The cultural resource study and Subsequent EIR are required to determine whether the project would cause new or more severe significant impacts to cultural resources in light of current regulations.

**VI. GEOLOGY AND SOILS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to

potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES

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NO

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The previous EIR identified that the project was located in an erosion/sedimentation hazard area. Through appropriate design features and mitigation measures, impacts resulting to/from geology and soils were determined to be less than significant. The current project consists of 13 fewer lots than the previous project and would relocate building pads and realign internal roadways. A preliminary grading plan with associated drainage and stormwater protection studies and hydromodification will be required to demonstrate that the new project would not result in new or more severe impacts to/from geology and soils. The analysis shall be included in the Subsequent EIR.

**VII. GREENHOUSE GAS EMISSIONS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects related to environmental effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES

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NO

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Since the previous EIR was adopted, the State CEQA Guidelines were amended (March 2010) to require that the potential environmental effects of greenhouse gas emissions be addressed in CEQA documents. Therefore, the Subsequent EIR will include a Climate Change Study and associated analysis to evaluate impacts to greenhouse gas emissions.

**VIII. HAZARDS AND HAZARDOUS MATERIALS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to

Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES



NO



Since the previous EIR was adopted, there have been changes in the circumstances under which the project was undertaken related to Hazards. The project site is located within the Urban-Wildland Interface (UWI) area or a Hazardous Fire Area, and is subject to the current County Consolidated Fire Code which was not adopted at the time the previous project was evaluated. A Fire Protection Plan is required which complies with current State and County Fire Codes and the North County Fire Protection District requirements. Therefore, the project may result in new significant environmental effects related to hazards which must be evaluated in the Subsequent EIR.

In addition, a vector management plan is required to address mosquito abatement within the existing freshwater pond. The previous EIR identified the need for mosquito eating fish to be placed in the pond. Pesticide contamination would need to be analyzed as well since the project area contains active agriculture. Portions of the project site is within an area identified as a dam inundation zone; however the proposed project is not considered a unique institution and there are no proposed building pads within the area identified as a dam inundation zone. The dam inundation zone area overlaps with the floodplain and floodway and will be reviewed under the drainage section of the Subsequent EIR.

**IX. HYDROLOGY AND WATER QUALITY** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain

Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES  
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NO  
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Since the previous EIR was adopted, there have been changes in the circumstances under which the project was undertaken related to hydrology and water quality. In addition, the proposed access has changed since the previous project EIR was certified. A new study will be necessary to ensure that the proposed grading and bridge will not impact hydrology or water quality as a result of the proposed project.

Since the previous EIR, the County of San Diego has approved and implemented the Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO). In order to demonstrate compliance with the WPO, the project must submit a revised Stormwater Management Plan (major). The project must also comply with Low Impact Development (LID) design elements.

With regard to groundwater, the onsite wells will need to be abandoned if they will not be used for the proposed project. A minimum 5 foot separation is required between the water table and the bottom of the leach line trench in the leach field to ensure that there will not be impacts to the groundwater since the proposed project is located in an area that contains high groundwater that could easily become contaminated by wastewater from inadequate septic layouts.

**X. LAND USE AND PLANNING** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES  
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NO  
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The previously certified EIR found that there would not be an impact related to existing regulations or the community plans, but new land use regulations affecting environmental resources have been adopted. The proposed project would be required to comply with all State and County environmental regulations related to resource protection. The technical studies and draft Subsequent EIR must analyze conformance with all of these regulations including the updated General Plan approved on August 3, 2011. There is also a need to analyze the "F" and "B" Special Area Designators on the property. The analysis shall be included in the Subsequent EIR.

**XI. MINERAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the

project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES

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NO

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The previous environmental documentation did not analyze mineral resources and the state designates the site as MRZ 3, or "Resource Potentially Present." There are no lands designated MRZ 2, or "Resources Present," on or within ¼ mile of the project site and there are no mineral resource recovery sites on or near the project site as delineated on local general plans, specific plans or other land use plans. However, Moosa Creek floodplain has substantial surficial recharge of sand and gravel and the southern portion of the site is underlain by Quaternary alluvium. Based on the site's geologic environment the mineral resources beneath the site may be of value to the region and the residents of the state. The project could result in the "loss of availability of a known mineral resource of value to the region". The project may result in a use that would effectively preclude future extraction of the identified mineral resources at the project site. Therefore, a Mineral Resources Evaluation will be required to investigate the project's impacts on mineral resources on and near the project site. Based on County CEQA thresholds of significance, the project's impacts to mineral resources may be significant. Mitigation measures may include extraction of the resource and reclamation of a portion of the site; avoidance of a portion of the site; or approval of land uses that are compatible with mining including minor or temporary uses.

**XII. NOISE** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES

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NO

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Staff has reviewed the noise section of the EIR for Bresa Del Mar TM 4793 received on April 13, 2006 and has reviewed the preliminary grading plans for TM 5492 received on January 22, 2010. The previous noise section of the EIR does not address the County of San Diego Noise Element, Policy 4b and the County Noise Ordinance Sections

36.404 and 36.409. Two noise sources, noise caused by grading during the construction phase and increased noise as a result of residential development in close proximity to sensitive biological species were identified within the previous EIR and have been analyzed in relation to sensitive habitat. However, there are no discussions in the previous EIR regarding potential noise impacts to existing/proposed Noise Sensitive Land Uses (NSLU) and the EIR did not discuss operational/construction noise levels at the project property line. The noise section within the previous EIR is considered obsolete and does not address current County noise standards. Based on the review of the TM5492 subdivision application and the previous EIR document, a new noise study is required to demonstrate the project subdivision would comply with the County Noise Element and County Noise Ordinance. The analysis shall be included in the Subsequent EIR.

**XIII. POPULATION AND HOUSING** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES  
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NO  
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**XIV. PUBLIC SERVICES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES  
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NO  
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Affirmative service availability forms for water, schools, and fire protection have been provided which indicate that existing facilities are reasonably expected to be adequate to serve the proposed project. It is not expected that the addition of 20 residences would result in the need to construct or expand public facilities.

**XV. RECREATION** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?



YES  
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NO  
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The current project would result in 13 fewer residences than the previously evaluated proposal. The project would be required to provide recreational trails in accordance with the Community Trails Master Plan (CMTP) and to contribute to regional park facilities through the County's Park Land Dedication Ordinance (PLDO). Through compliance with the CMTP and PLDO, the new project would not create a new or more severe impact to recreational resources.

**XVI. TRANSPORTATION/TRAFFIC** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES  
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NO  
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Since the previous EIR was certified, the County of San Diego has developed an overall programmatic solution that addresses existing and projected future road deficiencies in the unincorporated portion of San Diego County. This program includes the adoption of a Transportation Impact Fee (TIF) program to fund improvements to roadways necessary to mitigate potential cumulative impacts caused by traffic from future development. This program is based on a summary of projections method contained in an adopted planning document, as referenced in the State CEQA Guidelines Section 15130 (b)(1)(B), which evaluates regional or area wide conditions contributing to cumulative transportation impacts. Based on SANDAG regional growth and land use forecasts, the SANDAG Regional Transportation Model was utilized to analyze projected build-out (year 2030) development conditions on the existing circulation element roadway network throughout the unincorporated area of the County. Based on the results of the traffic modeling, funding necessary to construct transportation facilities that will mitigate cumulative impacts from new development was identified. Existing roadway deficiencies will be corrected through improvement projects funded by other public funding sources, such as TransNet, gas tax, and grants. Potential cumulative impacts to the region's freeways have been addressed in SANDAG's Regional Transportation Plan (RTP). This plan, which considers freeway buildout over the next 30 years, will use funds from TransNet, state, and federal funding to improve freeways to projected level of service objectives in the RTP. The traffic and circulation setting has also changed since certification of the previous EIR. While the project's residential

traffic will be less than the previous EIR, a traffic study is necessary to determine potential direct and cumulative impacts to all affected roadways and intersections related to traffic due to existing level of service deficiencies in the area.

**XVII. UTILITIES AND SERVICE SYSTEMS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES  
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NO  
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The previously certified EIR found no significant impacts to utilities and service systems. The current project has received an affirmative service availability letter for water from the Rainbow Municipal Water District and would rely on septic systems. It is not expected that the new project would result in any new or more severe affects to utilities or service systems.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:** Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

*Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

*Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

*Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

YES

NO



The project has the potential to impact Aesthetics, Agriculture and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Green House Gas Emissions, Land Use and Planning, Mineral Resources, Noise and Transportation/Traffic from substantial changes in the project, from changes in circumstances that result in significant new environmental effects or a substantial increase in the severity of previously identified significant effects, or from "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3).

**XVIII. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM**

California Department of Fish and Game. Fish and Game Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.

California Integrated Waste Management Board, Title 14, Natural Resources, Division 7

California Integrated Waste Management Board, Title 27, Environmental Protection, Division 2, Solid Waste

California Public Resources Code, CPRC, Sections 40000-41956

County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3

County of San Diego Public Facility Element of the General Plan (Section 6-Solid Waste, XII-6-1)

County of San Diego Scenic Highway Element of the General Plan

County of San Diego Zoning Ordinance (Agricultural Use Regulation, Sections 2700-2720)

County of San Diego. Resource Protection Ordinance, Article II (16-17). October 10, 1991

County of San Diego. 1997. Multiple Species Conservation Program, County of San Diego Biological Mitigation Ordinance

County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO) (Ordinance Nos. 9424 and 9426, County Codes §§ 67801 *et seq.*)

Farmland Mapping and Monitoring Program, California Department of Conservation,  
Division of Land Resource Protection

Order No. 2001-01, NPDES No. CAS 0108758, California Regional Water Quality Control  
Board, San Diego Region

Ordinance 8334, An Ordinance to amend the San Diego County Code of Regulatory  
Ordinances relating to Flood Damage Prevention, Adopted by the Board of Supervisors  
on 12/7/93

Public Resources Code Sections 4290 and 4291

San Diego County Light Pollution Code (San Diego County Code Section 59.101)

The Importance of Imperviousness from *Watershed Protection Techniques* Vol. 1, No. 3 -  
Fall 1994 by Tom Schueler Center for Watershed Protection

The Resource Conservation and Recovery Act (RCRA), 1976

Uniform Fire Code, Article 9 and Appendix II-A, Section 16

Water Quality Control Plan for the San Diego Basin (9), California Regional Water Quality  
Control Board, San Diego Region